

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
vs.)
Plaintiff,) No. 4:21CR00187 HEA
vs.)
KEITH BROWN,)
Defendant.)

THE UNITED STATES OF AMERICA'S SENTENCING MEMORANDUM

The United States of America, by and through its Attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and J. Christian Goeke, Assistant United States Attorney for the said District, and files the following memorandum regarding defendant's sentence.

INTRODUCTION

Defendant plead guilty pursuant to a written plea agreement to one count of Felon in Possession of a Firearm in violation of 18 USC 922(g). In the plea agreement, the parties stipulated that Defendant possessed a firearm that had travelled in interstate commerce (a Sig Sauer P365 9mm semi-automatic pistol) on February 3, 2021 knowing that he was a convicted felon.

FACTUAL BACKGROUND

On February 3, 2021, police officers with the St. Louis Metropolitan Police Department were dispatched to the Parkview Apartment building located at 4451 Forest Park Avenue for a disturbance. Upon arrival, they were advised by the property manager that Defendant, who had been previously banned from the property, entered the premises and was detained by employees pending arrival of police. Defendant was arrested for trespassing and while conducting a search

subsequent to his arrest police located a magazine for a Sig Sauer firearm and live 9mm ammunition in Defendant's pants pocket. Police searched a backpack that had been in Defendant's possession and located a Sig Sauer P365 9mm semi-automatic pistol that had been reported stolen earlier that same date from a location approximately one block away. Defendant was transported to the police station and advised of his rights per the *Miranda* decision after which he advised that he had found the backpack earlier that date and that it contained the firearm and ammunition. He further stated that he was aware that he was a convicted felon and took the firearm anyway which he intended to sell for drugs.

SENTENCING GUIDELINES

The Presentence Investigation Report (PSR) calculates a total offense level of 13 and a criminal history category of IV for a sentencing guideline range of 24-30 months. The PSR notes that Defendant has the following active criminal cases: 1) pending sentencing after a plea of guilty on October 26, 2020 under the City of St. Louis Circuit Court Docket No. 1922-CR03078-01 (Burglary 1st and Stealing) and 2) pending trial under the City of St. Louis Circuit Court Docket No. 2122-CR00255-01 (Unlawful Use of a Weapon and Trespassing 1st) which is relevant conduct to the instant offense of February 3, 2021.

DEFENDANT'S CRIMINAL HISTORY

The PSR calculates a criminal history score of nine. Defendant's criminal history includes felony convictions for Leaving the Scene of an Accident, Tampering 1st and Resisting Arrest under St. Louis County Circuit Court Docket No. 07SL-CR05126-01 (no points assessed); Burglary 2nd under the City of St. Louis Circuit Court Docket No. 0822-CR05650-01 (no points assessed); Attempted Burglary 2nd and Possession of Burglar Tools under the City of St. Louis Circuit Court Docket No. 1122-CR05711-01 (three points assessed); and Burglary 1st and

Stealing under the City of St. Louis Circuit Court Docket No. 1922-CR03078-01 (one point assessed); Defendants criminal history also includes misdemeanor convictions for Stealing, Property Damage and Trespassing 1st under the City of St. Louis Circuit Court Docket No. 1322-CR05634 (two points assessed); Fraudulent Use of a Credit Device under the City of St. Louis Circuit Court Docket No. 1822-CR04381 (one point assessed); and Trespassing on Private Property under St. Louis Municipal Court Docket No. D00659569-9 (no points assessed). The PSR assessed two additional points because Defendant was under a criminal justice sentence under the City of St. Louis Circuit Court Docket No. 1922-CR03078-01 at the time of the instant offense.

CONCLUSION

The U.S Probation Office properly calculated a Total Offense Level of 13 and Criminal History Category of IV resulting in an advisory guideline range of imprisonment at 24-30 months. Defendant has requested a downward variance and a sentence of 18 months (a 25% reduction from the low side of the sentencing guidelines). The United States respectfully requests that this Honorable Court deny Defendant's request and sentence Defendant to a sentence within the advisory guideline range of imprisonment of 24-30 months imprisonment to run consecutive to the City of St. Louis Circuit Court Docket No. 11922-CR03078-01 and concurrent with the City of St. Louis Circuit Court Docket No. 2122-CR00255-01.

Respectfully submitted,

SAYLER A. FLEMING
UNITED STATES ATTORNEY

/s/ J. Christian Goeke
J. CHRISTIAN GOEKE, #39462(MO)
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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2022, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Tare Crane, Attorney for Defendant.

/s / J. Christian Goeke
J. CHRISTIAN GOEKE #39462(MO)
Assistant United States Attorney